

# Project Approval

## Sections 75J and 75O of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979*:

- a) approve the concept plan referred to in Schedule 1;
- b) determine, pursuant to section 75P(1)(c) of the *Environmental Planning and Assessment Act 1979*, that the concept plan referred to in Schedule 1 requires no further environmental assessment; and
- c) determine, pursuant to section 75J of the *Environmental Planning and Assessment Act 1979* to grant project approval to the development the subject of the concept plan referred to in Schedule 1, subject to the conditions in Schedule 2.



The Hon. Kristina Keneally MP  
Minister for Planning

Sydney 29 April

2009

File No: 9040628

### SCHEDULE 1

<b>Application No:</b>	06_0155
<b>Proponent:</b>	State Water Corporation
<b>Approval Authority:</b>	Minister for Planning
<b>Land:</b>	Land generally in the vicinity of, and surrounding Keepit Dam, located between the townships of Gunnedah and Tamworth in the north-east of New South Wales on the Namoi River.
<b>Project:</b>	The upgrade of Keepit Dam (Option B1) through the: <ul style="list-style-type: none"><li>• construction of a right-hand abutment spillway;</li><li>• widening of the entry flow to the abutment spillway;</li><li>• raising the main dam walls and subsidiary dam wall by 3.4 metres;</li><li>• construction of saddle dams at the boat ramp, sailing club and caravan park;</li><li>• new access road north of the main dam wall;</li><li>• construction of a spillway at the subsidiary dam wall; and</li><li>• construction of a multi-level offtake structure at the main dam wall.</li></ul>
<b>Major Project:</b>	The proposal is a project to which Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> (the Act) applies by virtue of an Order made by the Minister for Planning under section 75B of the Act on 29 July 2005.

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## SCHEDULE 2

<b>Act, the</b>	<i>Environmental Planning and Assessment Act, 1979</i>
<b>Conditions of Approval</b>	The Minister's conditions of approval for the project.
<b>Council</b>	Gunnedah Shire Council; and Tamworth Regional Council.
<b>DECC</b>	Department of Environment and Climate Change
<b>Department, the</b>	Department of Planning
<b>Director-General, the</b>	Director-General of the Department of Planning (or delegate).
<b>Director-General's Approval</b>	A written approval from the Director-General (or delegate).  Where the Director-General's Approval is required under a condition the Director-General will endeavour to provide a response within one month of receiving an approval request. The Director-General may ask for additional information if the approval request is considered incomplete. When further information is requested the time taken for the Proponent to respond in writing will be added to the one month period.
<b>Director-General's Report</b>	The report provided to the Minister by the Director-General of the Department under section 75I of the EP&A Act.
<b>Dust</b>	any solid material that may become suspended in air or deposited
<b>EA</b>	<i>Keepit Dam Upgrade, Environmental Assessment</i> , prepared by Parsons Brinckerhoff Pty Ltd and dated December 2007
<b>EPL</b>	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act, 1997</i>
<b>Feasible and Reasonable</b>	Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. Feasible relates to engineering considerations and what is practical to build. Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and nature and extent of potential improvements.
<b>Minister, the</b>	Minister for Planning
<b>Multi-level offtake</b>	A structure within a dam that consists of multiple levels which allows for water to be drawn from various depths within the storage, rather than one single depth, aiming to reduce the effects of cold water pollution. The roller door intake design for this structure is to be constructed and operated at the main dam wall of Keepit Dam.
<b>Proponent</b>	State Water Corporation
<b>Publicly Available</b>	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
<b>RTA</b>	Roads and Traffic Authority
<b>Site</b>	Land to which Major Projects Application 06_0155 applies.
<b>Submission report</b>	Keepit Dam Upgrade – Submissions Report and Preferred Project Report

## 1. ADMINISTRATIVE CONDITIONS

### Terms of Approval

- 1.1 The Proponent shall carry out the project generally in accordance with the:
- Major Projects Application 06\_0155;
  - Keepit Dam Upgrade, Environmental Assessment*, prepared by Parsons Brinckerhoff Australia Pty Limited and dated December 2007;
  - Keepit Dam Upgrade, Submissions Report and Preferred Project Report*, prepared by Parsons Brinckerhoff Australia Pty Limited and dated September 2008;
  - the conditions of this approval.
- 1.2 In the event of an inconsistency between:
- the conditions of this approval and any document listed from condition 1.1a) to 1.1c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
  - any document listed from condition 1.1a) to 1.1c) inclusive, and any other document listed from condition 1.1a) to 1.1c) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- 1.3 The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:
- any reports, plans or correspondence that are submitted in accordance with this approval; and
  - the implementation of any actions or measures contained in these reports, plans or correspondence.

### Limits of Approval

- 1.4 This project approval shall lapse five years after the date on which it is granted, unless the works subject of this approval are physically commenced on or before that time.
- 1.5 Nothing in this approval authorises the construction and operation of options D2 and D3, as described in the document referred to under condition 1.1b).

### Statutory Requirements

- 1.6 The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the project.

## 2. SPECIFIC ENVIRONMENTAL CONDITIONS

### Noise Impacts

#### **Construction Noise**

- 2.1 The Proponent shall only undertake construction activities associated with the project, other than blasting, that would generate an audible noise at any sensitive receiver during the following hours:
- 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
  - 8:00 am to 1:00 pm on Saturdays; and
  - at no time on Sundays or public holidays.
- 2.2 Notwithstanding condition 2.1, construction works associated with the project, other than blasting, may be undertaken outside the hours specified under that condition in the following circumstances:
- the works do not cause construction noise to be audible at any sensitive receiver; or
  - for the delivery of materials required by the police or other authorities for safety reasons; or
  - where it is required in an emergency to avoid loss of lives, property and/or to prevent harm; or
  - As approved through the process outlined in condition 2.3 of this approval.

- 2.3 The hours of construction activities specified under condition 2.1 of this approval may be varied with the prior written approval of the Director-General. Any request to alter the hours of construction specified under condition 2.1 shall be:
- considered on a case-by-case basis;
  - accompanied by details of the nature and need for activities to be conducted during the varied construction hours; and
  - accompanied by written evidence of the DECC's agreement with the proposed variation in construction times, after providing any information necessary for the DECC to reasonably determine that activities undertaken during the varied construction hours will not adversely impact on the acoustic amenity of receptors in the vicinity of the site.
- 2.4 Blasting associated with the construction of the project is only permitted during the following hours:
- 9:00 am to 5:00 pm, Mondays to Fridays, inclusive;
  - 9:00 am to 1:00 pm on Saturdays; and
  - at no time on Sundays or public holidays.

This condition does not apply in the event of a direction from the police or other relevant authority for safety reasons.

### Construction Noise and Blasting Limits

- 2.5 The Proponent shall ensure that the noise generated by the project does not exceed the noise impact assessment criteria of 35dB(A) at all times at any residence on privately owned land.

The maximum allowable noise contributions apply under wind speeds up to  $3 \text{ ms}^{-1}$  (measured at 10 metres above ground level), and under temperature inversion conditions of up to  $3 \text{ }^{\circ}\text{C}/100$  metres.

However, if the Proponent has a written negotiated noise agreement with any landholder and a copy of this agreement has been forwarded to the Department and DECC, then the Proponent may exceed the noise limits of 35dB(A) in accordance with the negotiated noise agreement.

- 2.6 For the purpose of assessment of noise contributions specified under condition 2.5 of this approval, noise from the project shall be:
- at any point within the residential boundary, or at any point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary; and
  - subject to the modification factors provided in Section 4 of the *New South Wales Industrial Noise Policy* (EPA, 2000), where applicable.
- 2.7 The Proponent shall ensure that air blast overpressure generated by blasting associated with the project does not exceed the criteria specified in Table 1 when measured at the most-affected residences or other sensitive receiver.

**Table 1 – Airblast Overpressure Criteria**

Airblast Overpressure (dB(Lin Peak))	Allowable Exceedance
115	5% of total number of blasts over a 12 month period
120	Never

- 2.8 The Proponent shall ensure that the ground vibration generated by blasting associated with the project does not exceed the criteria specified in Table 2 when measured at the most affected residence or other sensitive receiver.

**Table 2 – Peak Particle Velocity Criteria**

<b>Peak Particle Velocity Criteria</b>	<b>Allowable Exceedance</b>
5	5% of total number of blasts over a 12 month period
10	Never

## **Air Quality Impacts**

### ***Dust Generation***

- 2.9 The Proponent shall construct the project in a manner that minimises dust emissions from the site, including wind-blown and traffic-generated dust. All activities on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.

## **Traffic and Transport Impacts**

- 2.10 The Proponent shall:

- a) ensure that any measures to restore roads as a result of the construction of the project, are undertaken in a timely manner, in accordance with the requirements and to the satisfaction of the relevant road authority and at the full expense of the Proponent;
- b) ensure that adequate signage is provided to inform road users of any change in traffic conditions resulting from construction works, e.g. for the construction of the right-hand abutment spillway, the Proponent should inform the public of the alternate route via Orange Grove Road for through-traffic; and
- c) undertake all roadworks in consultation with Council and any relevant road authority.

## **Ecological Impacts**

- 2.11 The Proponent shall develop and submit for the approval of the Director-General, a **Biodiversity Offset Package**. The Package shall be developed in consultation with the DECC and DEWHA. The Package shall:

- a) identify the objectives and outcomes to be met by the final Biodiversity Offset Package;
- b) consider the biodiversity management measures or activities identified in the documents set out in condition 1.1 or elsewhere in these Conditions of Approval, including:
  - i. revegetation measures;
  - ii. relevant construction measures to reduce terrestrial and aquatic impacts;
  - iii. any other fauna mitigation measures such as nest boxes; and
  - iv. any ongoing biodiversity or threatened species monitoring requirements.
- c) provide details of available compensatory habitat in the region to offset the loss of White Box Yellow Box Blakely's Red Gum Woodland, Poplar Box Open Woodland, River Red Gum Woodland, Silver-leaved Ironbark Open Woodland and native Grasslands and habitat for threatened fauna species as a result of the project. Where possible, this should include purchase of land, development of agreements with identified land management authorities (e.g. DECC, local council etc.) for long term management and funding of offsets and mitigation measures, and installation of identified mitigation measures;
- d) describe the decision-making framework used in selecting the priority ranking of compensatory habitat options available in the region;
- e) include an offset for direct and indirect impacts of the proposal which maintains or improves biodiversity values and is consistent with the principles identified in section 5.1.6 of the document referred to under condition 1.1c) of this approval;
- f) describe the size and quality of the habitat/vegetation communities identified in point e);
- g) detail the final suite of biodiversity offset measures selected in accordance with the Package; and
- h) include a program (timeline) to achieve the implementation of the final suite of measures.

Unless otherwise agreed by the Director-General, the Biodiversity Offset Package shall be submitted to the Director-General for approval prior to the commencement of any construction works.

## Hazards and Risk

### Pre-Construction Hazard Measures

2.12 Prior to the commencement of construction of the project, the Proponent shall:

- a) prepare and submit for the approval of the Director-General a Construction Safety Study. This study shall cover all relevant aspects detailed in the Department's Hazardous Industry Planning Advisory Paper No. 7, "Construction Safety Study Guidelines". The Proponent shall include a safety management plan as part of this study, in consultation with relevant authorities, addressing the safety of construction workers in the event of a flood, bushfire and any other likely hazard or risk;
- b) erect signs and fencing as necessary, to ensure the safety of bushwalkers etc. near the site during construction;
- c) provide adequate fire protection works on site during construction in consultation with the NSW Rural Fire Service;
- d) ensure that all dangerous goods and materials stored on site are stored in accordance with the relevant Australian Standards; and
- e) ensure that all explosives and fuel are removed from the site or disposed of appropriately, at the completion of construction work.

### Maintenance and Release Plug Reconstruction

2.13 The Proponent shall:

- a) ensure the regular monitoring and maintenance of the right-hand abutment and subsidiary dam wall spillways and the boat ramp, sailing club and caravan park saddle dams in accordance with the requirements of the *NSW Dams Safety Act*; and
- b) if reconstruction of the release plugs is required, it must be in accordance with the requirements specified in conditions 6.2 to 6.4 of this approval and the community must be informed of this reconstruction (refer to conditions 5.1 to 5.7).

### Soil and Water Quality Impacts

2.14 Except as may be expressly provided by an Environment Protection Licence for the project, the Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits the pollution of waters.

2.15 Soil and water management controls shall be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters, in accordance with Landcom's *Managing Urban Stormwater: Soils and Conservation*.

### Heritage Impacts

2.16 The Proponent shall implement the recommended heritage management measures specified in the EA. The Proponent must:

- a) Prior to the commencement of construction works, fence the boundary of the crest area of the ridge on which the Aboriginal stone procurement source #20-5-21 is situated, to protect it from any direct and indirect impacts of construction works. The fencing shall be sufficient to prevent the incursion of construction vehicles, and shall be marked with appropriate signs.
- b) If during the course of construction, it uncovers any heritage or archaeological material previously not identified, all work likely to affect the material shall cease immediately and the relevant authorities consulted about an appropriate course of action prior to the recommencement of work. The relevant authorities may include DECC, the Heritage Office, and the Local Aboriginal Land Council. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.

### Waste Generation and Management

2.17 All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.

- 2.18 The Proponent shall maximise the treatment, reuse and/ or recycling on the site of any waste oils, excavated soils, slurries, dusts and sludges associated with the project, to minimise the need for treatment or disposal of those materials outside the site.
- 2.19 The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*, if such a licence is required in relation to that waste.

### Utilities and Services

- 2.20 The Proponent shall:
- Ensure the diversion, protection or support of services and utilities affected by the construction activities, in consultation with the relevant service authorities. Any alterations to utilities and services shall be carried out to the satisfaction of the relevant authority(ies), and unless otherwise agreed to, at no cost to the service authority; and
  - Be responsible for minimising any disruption to services resulting from such work and shall be responsible for advising affected people prior to disruption to services (refer to condition 5.7).

## 3. ENVIRONMENTAL MONITORING

### Ecological Monitoring

- 3.1 Prior to the commencement of construction, the Proponent shall develop and implement a **Monitoring Program** to target the effectiveness of the mitigation measures identified in Condition 2.11 for the listed threatened species directly impacted by the project and section 5.1.3 of the EA. The program shall include (but not necessarily be limited to) the monitoring of *Hakea pulvinifera*, *Bothriochloa biloba*, Brown Treecreeper, Painted Honeyeater, White bellied Sea-Eagle, White-throated Needle-tail, Hooded Robin, Black-chinned Honeyeater, Turquoise Parrot, Grey-crowned Babbler, Speckled Warbler, Diamond Firetail and Yellow-bellied Sheath-tail Bat. The Program shall be developed in consultation with the DECC and suitably qualified ecologist(s) and shall include but not necessarily be limited to:
- the monitoring of threatened species in and adjacent to the project footprint. The methodology shall be decided in consultation with DECC;
  - an adaptive monitoring program to assess the effectiveness of the mitigation measures identified in Condition 2.11 and section 5.1.3 of the EA, and allow their modification if necessary. The monitoring program shall include targets against which effectiveness will be measured;
  - monitoring to be undertaken during construction (for construction-related impacts) and until such time as the effectiveness of mitigation measures can be demonstrated to have been achieved over a minimum of three successive monitoring periods, or as otherwise agreed by the Director-General in consultation with DECC;
  - provision for the analysis of the data to identify changes to habitat usage and if this can be attributed to the project;
  - details of the contingency measures that would be implemented in the event of changes to habitat usage patterns directly attributable to the construction or operation of the project; and
  - provision for annual reporting of monitoring results to the Director-General and the DECC, or as otherwise agreed by those agencies.

The Program shall be submitted for the approval of the Director-General prior to the commencement of construction.

- 3.2 Prior to the commencement of construction the Proponent shall, in consultation with DECC, prepare and implement an **Air Quality Monitoring Program**. This program must:
- be submitted to the Director-General prior to the commencement of construction activities;
  - be prepared in consultation with DECC; and

- c) use dust deposition gauges and ambient dust monitoring gauges to monitor deposited dust and particulate matter during the construction of the project.

#### 4. COMPLIANCE MONITORING AND TRACKING

##### Construction Activities

- 4.1 The Proponent must provide the Director-General, DECC and any other Government Department nominated by the Director-General with *Construction Compliance Reports*. The ER must review the *Construction Compliance Reports* before they are submitted to the Director-General and bring to the Director-General's attention any shortcomings.

The first *Construction Compliance Report* must report on the first six months of Construction and be submitted a maximum six weeks after expiry of that period (or at any other time interval agreed to by the Director-General). The second, and subsequent, *Construction Compliance Reports* must be submitted at maximum intervals of six months from the date of submission of the first *Construction Compliance Report* (or at any time interval agreed to by the Director-General) for the duration of Construction.

The *Construction Compliance Reports* must include information on:

- a) compliance with the CEMP and the Conditions of Approval;
- b) compliance with any approvals or licences issued by Relevant Government Departments for Construction;
- c) the implementation and effectiveness of environmental controls. The assessment of effectiveness should be based on a comparison of actual impacts against performance criteria identified in the CEMP;
- d) environmental monitoring results for fauna and fauna, noise, vibration, blasting, suspended dust and deposited dust for the first six months after the date of the commencement of construction works at the project site. The results should be presented as a results summary and analysis. The Proponent should note that the Director-General, in consultation with DECC, would determine whether any further period for monitoring would be necessary;
- e) the number and details of any complaints, including a summary of the main areas of complaint, action taken, response given and intended strategies to reduce recurring complaints;
- f) details of any review and amendments to the CEMP resulting from Construction during the reporting period; and
- g) any other matter relating to compliance with the Conditions of Approval or as requested by the Director-General.

Copies of the report shall be submitted at the same time to the Department and DECC and must be Publicly Available.

- 4.2 The final *Construction Compliance Report* shall, in addition to the requirements listed in condition 4.1, assess the accuracy and conclusions of all previous *Construction Compliance Reports*, and the adequacy of the responses of the Proponent to monitoring results.

##### Compliance Tracking Program

- 4.3 The Proponent shall develop and implement a **Compliance Tracking Program** to track compliance with the requirements of this approval. The Program shall be submitted to the Director-General for approval prior to the commencement of construction. The Program shall relate to both construction and operational stages of the project and shall include, but not necessarily be limited to:
- a) provisions for periodic review of the compliance status of the project against the requirements of this approval;
  - b) provisions for periodic reporting of compliance status to the Director-General; and
  - c) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.

## 5. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

- 5.1 Subject to confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.
- 5.2 For the purpose of public awareness, the Proponent shall inform all potentially impacted landholders from the operation of the project, of the extent of potential physical damage that may be caused from the operation of the proposal.

### Compensation Liaison Group

- 5.3 A Compensation Liaison Group (CLG) shall be formed and maintained by the Proponent to resolve the matters outlined in this condition and condition 5.4. The Proponent shall establish this Group prior to the commencement of construction and present the findings and conclusions for these matters in the OEMP (refer to condition 6.4). The CLG shall include, the Proponent, representatives from DWE, representatives from Council and affected landholder representatives situated beneath the subsidiary dam wall spillway, along the Peel River.

The purpose of the group is to:

- a) discuss the issues related to compensation and insurance related matters associated with the operation of the subsidiary dam wall spillway;
- b) distinguish between the current design flood level effects and those effects from the proposed new design flood level, below the subsidiary dam wall spillway, along the Peel River;
- c) identify the basis for compensation payments;
- d) determine the need, if found necessary and appropriate, for a public liability insurance fund;
- e) determine all those landholders that may be affected by the operation of the project; and
- f) determine the possible extent of damage to property, in both economic and physical terms.

In the event of any dispute between the Proponent and other parties, the Proponent's decision shall be considered final so long as it is consistent with these Conditions.

- 5.4 The Proponent shall:

- a) establish the CLG or as otherwise agreed by the Director-General within 9 weeks from the date of this approval;
- b) nominate a Chair to be approved by the Director-General;
- c) allow the CLG to make comments on the management of the operation in the area that is affected by the subsidiary dam wall spillway. In the event of any dispute between the CLG and the Proponent, the Proponent's decision shall be considered final so long as it is consistent with these Conditions;
- d) ensure that the CLG has access to the necessary plans and information;
- e) consider the recommendations and comments of the CLG and provide a response to the Director-General, consistent with the outcomes of condition 5.3.

The Proponent shall bear the cost of administering the Group.

### Complaints Procedure

- 5.5 Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints for the life of the project (including construction and after construction is completed):
- a) a telephone number on which complaints about construction activities and any other complaints relating to the proposal at the site may be registered;
  - b) a postal address to which written complaints may be sent; and
  - c) an email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the email address shall be displayed on a sign near the entrance to the Keepit Dam Office, in a position that is clearly visible to the public, and which clearly indicates the purposes of the sign.

- 5.6 The Proponent shall record details of all complaints received through the means listed under condition 5.5 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
- the date and time, where relevant, of the complaint;
  - the means by which the complaint was made (telephone, mail or email);
  - any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
  - the nature of the complaint;
  - any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and
  - if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the Director-General upon request.

### **Advice of Construction Activities**

- 5.7 Before Construction commences, and then at maximum three monthly intervals, the Proponent must advertise in relevant newspapers the: nature of the works proposed for the next three months; areas in which these works are proposed; Construction hours; and a contact telephone number.

The Proponent must ensure that the local community and businesses are advised of Construction activities that could cause disruption. Methods to disseminate this information must be identified in the CEMP. Information to be provided must include:

- details of any traffic disruptions and controls; and
  - work approved to be undertaken outside standard Construction hours, in particular noisy works, before such works are undertaken.
- 5.8 The existing internet site ([www.statewater.com.au](http://www.statewater.com.au)) must be updated before Construction commences and maintained until the completion of Construction and contain:
- periodic updates of work progress, consultation activities and planned work schedules. The site must indicate the date of the last update and the frequency of the internet site updates;
  - a description of relevant approval authorities and their areas of responsibility;
  - a list of reports and plans that are Publicly Available under this Approval and details of how these can be accessed;
  - contact names and phone numbers of relevant communications staff; and
  - the 24 hour toll-free complaints contact telephone number.

Updates of work progress, Construction activities and planned work schedules must be provided where significant changes in noise, air or traffic impacts are expected.

## **6. ENVIRONMENTAL MANAGEMENT**

### **Environmental Representative**

- 6.1 Prior to the commencement of any construction or operational activities, or as otherwise agreed by the Director-General, the Proponent shall nominate for the approval of the Director-General a suitably qualified and experienced Environmental Representative(s) independent of the design, construction and operation personnel. The Proponent shall engage the Environmental Representative(s) during any construction activities, and throughout the life of

the project, or as otherwise agreed by the Director-General. The Environmental Representative(s) shall:

- a) oversee the implementation of all environmental management plans and monitoring programs required under this approval, and advise the Proponent upon the achievement of these plans/programs;
- b) have responsibility for considering and advising the Proponent on matters specified in the conditions of this approval and the Statement of Commitments as referred to under condition 1.1c) of this approval;
- c) oversee the implementation of the environmental auditing of the project in accordance with the requirements of condition 4.3 of this approval and all relevant project Environmental Management System(s); and
- d) be given the authority and independence to recommend to the Proponent reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts, and, failing the effectiveness of such steps, to recommend to the Proponent that relevant activities are to be ceased as soon as reasonably practicable if there is a significant risk that an adverse impact on the environment will be likely to occur.

### **Construction Environmental Management Plan**

6.2 The Proponent shall prepare and implement a **Construction Environmental Management Plan** to outline environmental management practices and procedures to be followed during construction of the project. The CEMP shall be consistent with *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) and shall include, but not necessarily be limited to:

- a) a description of all relevant activities to be undertaken on the site during construction and confirm the use of either earthen release plugs only or earthen release plugs and release gates for the project and the conditions under which they will operate;
- b) statutory and other obligations that the Proponent is required to fulfil during construction including all relevant approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
- c) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified potential adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:
  - i) measures to monitor and manage dust emissions;
  - ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during construction activities;
  - iii) measures to monitor and control noise emissions during construction works;
  - iv) measures to monitor and control air emissions during construction to ensure that air emissions are both minimised and in compliance with the requirements of this approval and the Environment Protection Licence for the site;
  - v) measures to minimise the impact of construction on local flora and fauna, consistent with the mitigation measures described in section 5.1.3 of the document referred to under condition 1.1b);
- d) a description of the roles and responsibilities for the EMR and all relevant employees involved in the construction of the project;
- e) the additional Plans listed under condition 6.3 of this approval; and
- f) complaints handling procedures during construction.

The CEMP shall be submitted for the approval of the Director-General no later than one month prior to the commencement of any construction works associated with the project, or within such period otherwise agreed by the Director-General. Construction works shall not commence until written approval has been received from the Director-General.

6.3 As part of the Construction Environmental Management Plan for the project, required under condition 6.2 of this approval, the Proponent shall prepare and implement the following:

- a) a **Construction Flora and Fauna Management Plan** to detail how construction impacts on ecology will be minimised and managed. The Plan shall include, but not necessarily be limited to:

- i) details of work practices (such as fencing and construction worker education) to minimise the potential damage to vegetation and native fauna during construction;
  - ii) weed management measures focusing on early identification of invasive weeds and determining effectiveness of management controls;
  - iii) procedures to install and monitor mitigation measures, such as nest boxes, relocated hollows and fauna fencing for effectiveness and maintenance; and
  - iv) an auditing program for construction work practices to ensure that either there is no impact on threatened species or their habitats additional to that already permitted.
- b) a **Construction Noise Management Plan** to manage noise impacts during construction and to identify all feasible and reasonable noise mitigation measures. The Plan shall include, but not necessarily be limited to:
- i) a review of the assumptions made in documents referred to under conditions 1.1b) and 1.1c) of this approval to the determined calculated noise levels for the construction of the Right Hand Abutment Spillway, Saddle Dams, Subsidiary Dam Wall, Cumulative Works and Main Dam Wall;
  - ii) details of the measures to avoid and/or mitigate the actual noise levels; and
  - iii) details of the consultation process for noise mitigation measures with any affected residences.

As part of the Construction Noise Management Plan, the Proponent shall prepare and implement a Noise Monitoring Program for the project. This program must:

- a) be prepared in consultation with the DECC;
  - b) be submitted to the Director-General for approval prior to the commencement of construction activities;
  - c) include a protocol to establish whether the project is complying with the noise criterion identified in condition 2.5.
- c) a **Traffic Management Protocol** to outline management of traffic conflicts that may be generated during construction of the project. The Plan shall address the requirements of Council, the RTA and any other relevant road authority and shall include, but not necessarily be limited to:
- i) details of how construction of project infrastructure will be managed in proximity to local and regional roads;
  - ii) details of traffic routes for heavy vehicles, including any necessary route or timing restriction for oversized loads;
  - iii) detailed consideration of measures to be employed to ensure traffic volume, acoustic and amenity impacts along the heavy vehicle routes are minimised;
  - iv) detailed consideration of alternative routes (where necessary); and
  - v) demonstration that all statutory responsibilities with regard to road traffic impacts have been complied with.
- d) a **Water Management Plan** to outline measures that will be employed to manage water on the site, to minimise soil erosion and the discharge of sediments and other pollutants to lands and/ or waters throughout the construction stage of the project.

### Operation Environmental Management Plan

6.4 The Proponent shall prepare and implement an **Operation Environmental Management Plan** to detail an environmental management framework, practices and procedures to be followed during operation of the project. The OEMP shall be consistent with *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) and shall include, but not necessarily be limited to:

- a) identification of all relevant statutory and other obligations that the Proponent is required to fulfil in relation to operation of the project;
- b) specific consideration of relevant measures to address any requirements identified in the documents referred to under conditions 1.1b) and 1.1c) of this approval; and
- c) overall environmental policies and principles to be applied to the operation of the project; and
- d) present the findings and conclusions of the CLG (refer to condition 5.3).

The OEMP shall be submitted for the approval of the Director-General no later than 12 months from the date of this approval (or as otherwise agreed to by the Director-General).

- 6.5 As part of the OEMP for the project, required under condition 6.4 of this approval, the Proponent shall prepare and implement the following studies:
- a) a **Multi-Level Offtake Operational Plan** to detail the operation of the multi-level offtake structure, including conditions under which it will operate and the monitoring methods to be used to help achieve optimum improvements to downstream waterways, consistent with section 8.1.5 of the document referred to under condition 1.1b) of this approval.
  - b) an **Emergency Plan** for the project to detail procedures for the safety of all people who may be at risk from the operation of the project and include a procedure for the evacuation of those people at risk.

## 7. ENVIRONMENTAL REPORTING

### Incident Reporting

- 7.1 Within 24 hours of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment, a report shall be supplied to the Department outlining the basic facts. A further detailed report shall be prepared and submitted following investigations of the causes and identification of necessary additional preventive measures. That report must be submitted to the Director-General no later than 14 days after the incident or potential incident.

The Proponent shall maintain a register of accidents, incidents and potential incidents. The register shall be made available for inspection at any time by the Director-General and any other person the Director-General nominates as appropriate.

- 7.2 The Proponent shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 7.1 of this approval, within such period as the Director-General may require.